

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE PENA, et al.,

Plaintiffs,

-against-

CARIB INC. d/b/a HAVANA NY
RESTAURANT & BAR, et al.,

Defendants.

20cv07810 (DF)

ORDER OF DISMISSAL

DEBRA FREEMAN, United States Magistrate Judge:

In this action under the Fair Labor Standards Act and the New York Labor Law, which is before this Court on consent of the parties pursuant to 28 U.S.C. § 636(c), the parties, having reached an agreement in principle to resolve the action, have placed their proposed settlement agreement before this Court for approval. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 1999 (2d Cir. 2015) (requiring judicial fairness review of FLSA settlements). The parties have also submitted a letter detailing why they believe the proposed settlement agreement is fair, reasonable, and adequate. (Dkt. 37.) This Court has reviewed the parties' submissions in order to determine whether the proposed agreement (Dkt. 37-1 (the "Agreement")) represents a reasonable compromise of the claims asserted in this action, and, in light of the totality of the relevant circumstances, including the representations made in the parties' letter, the terms of the Agreement, and the Court's general familiarity with the matter, it is hereby ORDERED that:

1. The Court finds that the terms of the Agreement are fair, reasonable, and adequate, both to redress Plaintiffs' claims in this action and to compensate Plaintiffs' counsel for their legal fees, and the Agreement is therefore approved.

2. The Court notes the parties have also submitted a proposed Stipulation and Order of Dismissal (Dkt. 37-3) for the Court's approval (*see* Agreement ¶ 4(a)). That proposed Stipulation and Order states that this Court "shall retain jurisdiction over all proceedings solely to enforce the terms of the settlement between the parties in this action." (Dkt. 37-3.) In light of this, and in order to effectuate the evident intent of the parties, the Court will retain jurisdiction over this matter for the purpose of enforcing the parties' Agreement. The Court also notes that the filing of the proposed Stipulation and Order is not required for the Court to dismiss this action, based on the parties' settlement.

3. As a result of the Court's approval of the parties' executed settlement agreement, this action is hereby discontinued with prejudice and without costs or fees to any party. The Clerk of Court is directed to close this case on the Docket of the Court.

Dated: New York, New York
January 12, 2022

SO ORDERED



DEBRA FREEMAN
United States Magistrate Judge

Copies to:

All counsel (via ECF)